

REMARKS

ITEM 1: REJECTION OF CLAIMS 13 AND 15-21 UNDER 35 U.S.C. §112, PARAGRAPH 1, AS FAILING TO COMPLY WITH THE WRITTEN DESCRIPTION REQUIREMENT

This rejection basically contends that the changes of "a specific signal" to --display data-- and of a "detected specific signal" to --detected display data-- lack written description in the specification. The rejection is respectfully traversed.

Paragraphs [0011] and [0012] expressly recite "a display data checking unit for checking display data input to the flat display from the external...." and "a drive control unit...controlling drive control signals of the flat display in accordance with the checked display data."

The Examiner further should note the teaching of "detecting a specific signal" in paragraphs [0009] and [0010] and of detecting a "high voltage" in paragraphs [0006] through [0008].

These different types of signals, which are detected for purposes of controlling the power supply, are discussed in the detailed specification at paragraphs [0050] through [0057] and again in paragraphs [0072] through [0076]. As explained clearly in paragraphs [0054] through [0055], there are three conditions in which an actual display operation is not being performed and accordingly, in accordance with the invention, supply of power to the display is reduced to reduce overall power consumption:

(1) when the display data DATA is not supplied during a specific period, (2) when the high voltage (VS) is below a specific value set in the flat display, or (3) when the specific signal DISPENA input from the external is at a specific level . . . (paragraph [0055])

Table 2, in paragraph [0073] and discussed further in paragraphs [0074] through [0076], explains that signal DERS is low (L) when "the display data DATA is not supplied during a specific period . . ." and is high (H) when "the display data DATA is supplied from the external...."

Independent claims 13, 15 and 19 prior to the amendments in the intervening response, generically recited, e.g: "a signal detection unit detecting a specific signal input from an external source..." and control of the power supply in accordance with the "detected specific signal....."

The amendments then changed the generic recitations of these claims to, more specifically, detecting display data...." and performing control in accordance with the "detected display data..." -- the first of the three signals susceptible to use for the function explained above in reference to paragraph [0055].

The Examiner concedes that DERS is "internally detected" base on paragraph [0051] -- which, indeed, affords literal support under 35 U.S.C. §112, paragraph 1 for the amendatory change to the recitation of --display data—in the independent claims.

Accordingly, it is submitted there is no basis for the rejection under 35 U.S.C. §112, paragraph 1 and the same is respectfully requested to be withdrawn.

ITEM 2: REJECTION OF CLAIMS 9-12 AND 22 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(A) OVER AAPA (FIGS. 1-4 ON PAGE 6, LINE 7 THROUGH PAGE 9, LINE 27) PARAGRAPHS [0020] THROUGH [0041] IN VIEW OF IMAMURA (U.S. PATENT NO. '624) AND YAMAKAWA (U.S. PATENT NO. '876)

The rejection is respectfully traversed.

1. THE PRESENT ACTION IS MADE FINAL PREMATURELY IN VIEW OF NEW GROUNDS OF REJECTION PRESENTED IN ITEM 2 AND THE FINAL STATUS SHOULD BE WITHDRAWN IN ACCORDANCE WITH MPEP 706.07(a)-(e)

None of claims 9-12 was amended in the intervening response and hence, the new grounds of rejection render the final status of the action mailed June 15, 2004, premature: MPEP 706.07(a)-(e).

In the attached copy of pages 3-4 of the subject Final Office Action, portions of the grounds of rejection which have been newly presented are underlined, and, were appropriate, portions of the corresponding grounds of rejection in the Office Action mailed November 28, 2003, which have been changed in the present Office Action, are shown by hand written, bracketed inserts. Thus, in the paragraph at the bottom of page 3, the reliance on Yamakawa is expanded to include an alleged disclosure of a "power control circuit 30." Further, "Yamakawa [sic – Yamakawa] is now relied upon, instead of Imamura, for the disclosure in the last two lines of the paragraph at the bottom of page 3.

In the first paragraph from page 4, the third line has been modified, relative to the corresponding rejection in the prior action, by deleting "display" and inserting the underlined phrase "and is capable of stopping the drive control signals, signal DFF (column 5, lines 41-60)...." Not only is this insert a new ground of rejection, the modified sentence is now disjointed and not intelligible.

Further, in the last two lines of that same first paragraph on page 4, "AAPA and" has been inserted, creating the phrase: "the device of AAPA and Imamura" --which "device" does not exist and, thus, the statement is illogical. Furthermore, the two concluding clauses of (1) "to control the internal power supply" and "to control the start and stop operation..." are not understandable, since it is unclear whether these two clauses relate to the non-existent "device" or to one or the other of the two prior art references i.e., AAPA and Imamura.

2. THE REJECTION IS MADE FINAL PREMATURELY IN THAT IT FAILS TO RESPOND IN DETAIL TO THE ARGUMENTS ADVANCED BY APPLICANT AS REQUIRED BY IN MPEP 706.07

As specified in MPEP 706.07:

Before final rejection is in order a clear issue should be developed between the examiner and applicant. To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied; and in reply to this action the applicant should amend with a view to avoiding all the grounds of rejection and objection. Switching from one subject matter to another in the claims presented by applicant in successive amendments, or from one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter, will alike tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the application or a final rejection.

While the rules no longer give to an applicant the right to "amend as often as the examiner presents new references or reasons for rejection," present practice does not sanction hasty and ill-considered final rejections. The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application. But the applicant who dallies in the prosecution of his or her application, resorting to technical or other obvious subterfuges in order to keep the application pending before the primary examiner, can no longer find a refuge in the rules to ward off a final rejection.

The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal. However, it is to the interest of the applicants as a class as well as to that of the public that prosecution of an application be confined to as few actions as is consistent with a thorough consideration of its merits.

Neither the statutes nor the Rules of Practice confer any right on an applicant to an extended prosecution; *Ex parte Hoogendam*, 1939 C.D. 3, 499 O.G.3, 40 USPQ 389 (Comm'r Pat. 1939).

STATEMENT OF GROUNDS

In making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection

should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal unless a single previous Office action contains a complete statement supporting the rejection.

707.07(F) ANSWER ALL MATERIAL TRAVERSED [R-1]

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

(Emphasis added throughout.)

The Examiner's incorrect contentions and confused grounds of rejection created in this Final Rejection, noted in the foregoing have failed to develop a "clear issue..." and have not been "clearly developed to such an extent that Applicant may readily judge the advisability of an Appeal...." Clearly, the Examiner has not provided "clear explanations of actions taken by the Examiner..." Moreover, as shown in the following discussion of Item 4 of the Action, the Examiner has failed to "answer the substance....." of the traverses advanced by Applicant in the intervening response.

ITEM 4 AT PAGE 6: RESPONSE TO ARGUMENTS

Item 4 of the Action merely asserts the unsubstantiated contention of the Examiner that "it would have been obvious for one of ordinary skill in the art at the time of [sic] the invention was made to provide . . . " both the combination of Imamura and AAPA and the further combination of Yamakawa with the "device of the AAPA and Imamura." This fails to provide a prima facie demonstration of obviousness of either of these two combinations relied upon. See, MPEP 2142 to 2143.03, copy attached.

The Examiner fails to comply with the directive of MPEP 706.07(a), not only as to the Action being improperly made Final, since introducing new grounds of rejection, but also since failing to address the traverses of the rejections of the first Office Action.

Moreover, while item 4 "Response to Arguments" at page 6 purports, by the heading, to be responding to Applicant's argument, the fact is it does not do so. Specifically, the first portion of item 4, through the two decisions of *In re Fine* and *In re Jones*, is standard boiler plate. Further, the second half of that paragraph is a verbatim repeat of the first paragraph at page 4 of the Action – and inherently is not responding to Applicant's arguments, contrary to the

above directives of MPEP 707.07(F).

3. SUBSTANTATIVE RESPONSE TO PRIOR ART REJECTION OF CLAIMS 9-12 AND 22 IN ITEM 2 OF THE ACTION

Applicants incorporate herein the response to the corresponding rejection of claims 9-12 in the first Office Action which, Applicants respectfully submit, demonstrates the patentability of claims 9-12 over the prior art of record.

ITEM 3: REJECTION OF CLAIMS 13 AND 15-21 FOR OBVIOUSNESS UNDER 35 U.S.C. 103(a) over AAPA, IN IMAMURA, YAMAKAWA IN VIEW OF INOUE

The grounds of rejection of Item 3, at pages 4-5 of the Action, are based on the interpretation of these claims explained in Item 1 of the Action, namely:

The Examiner examines the application
based on the best understood of the claim
language.

In Item 3, As shown in the foregoing, the Examiner has simply reproduced the grounds of rejection of the prior action, ignoring the altogether legitimate, prior amendment of claims 13 and 15-21 to recite control based on detection of the "display data."

As a result, the grounds of rejections of Item 3 do not even address the limitations of the pending claims, as involve detecting and performing controls based "displayed data."

Inherently, the claim rejections are altogether deficient and defective.

It follows that the pending claims patentably distinguish over the references of record and the rejections of Item 3 of the Action.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that the pending claims patentably distinguish over the references of record, taken singly or in any proper combination and, there being no other objections or rejections, that the application is in condition for allowance, which action is earnestly solicited.

Should the Examiner be inclined otherwise than to allow the application as a result of the present response, it is respectfully requested that the Examiner contact the undersigned attorney for applicants to schedule an interview to discuss any steps necessary to place the application in condition for allowance.

Serial No. 09/974,806

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date:

Oct. 15, 2004

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